



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

ERIC CHRISTIAN RHEA,

Plaintiff,

vs.

SUMTER-LEE REGIONAL DETENTION
CENTER et al.,

Defendants.

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§ CIVIL ACTION NO. 6:06-2502-HFF-WMC

ORDER

This case was filed as a Section 1983 action. Plaintiff, a pre-trial detainee, is proceeding pro se. The matter is before the Court for review of the United States Magistrate Judge's Report and Recommendation (Report) suggesting that the action against Sumter-Lee Regional Detention Center be dismissed *without prejudice* and without issuance and service of process. The Report is made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on September 26, 2006, and Plaintiff's objections were timely filed with this Court on October 3, 2006. The Court has carefully considered Plaintiff's objections but finds them to be without merit. Therefore, for the reasons set forth in the Magistrate Judge's well-reasoned Report, the Court will dismiss this suit, *without prejudice*, as to Sumter-Lee Regional Detention Center. To the extent that Plaintiff wishes to seek to add other parties to this suit, as he suggests in his objections that he wishes to do, Plaintiff should file an appropriate motion with the Court.

After a thorough review of the Report and the record in this case pursuant to the standards set forth above, the Court overrules Plaintiff's objections, adopts the Report, and incorporates it herein. Thus, it is the judgment of this Court that this action must be **DISMISSED** against Sumter-Lee Regional Detention Center *without prejudice* and without issuance and service of process.

IT IS SO ORDERED.

Signed this 4th day of October, 2006, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

____ Plaintiff is hereby notified of the right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.